

TURNER & MEDE, P.C.
Terrance A. Turner
Co-Counsel for defendant and counterclaimant
Tanadgusix Corporation
1500 West 33rd Avenue, Suite 200
Anchorage, Alaska 99503-3502
Telephone: (907) 276-3963
Fax: (907) 277-3695
Email: tturner@turnermede.com

LAW OFFICE OF DOUGLAS F. STRANDBERG
Douglas F. Strandberg
Co-Counsel for defendant and counterclaimant
Tanadgusix Corporation
P. O. Box 547
Friday Harbor, Washington 98250
Telephone: (360) 378-3390
Fax: (360) 378-3490
Email: dfslaw@rockisland.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

CITY OF SAINT PAUL, a municipal corporation,)	
)	
Plaintiff,)	
	)	No. 3:97-cv-0181 HRH
vs.)	
)	
DONALD EVANS, Secretary of the United States Department of Commerce, and CONRAD C. LAUTENBACHER, JR., Administrator, National Oceanic and Atmospheric Administration, and TANADGUSIX CORPORATION, an Alaska corporation,	)	UNOPPOSED MOTION BY DEFENDANT
	)	AND COUNTERCLAIMANT TANADGUSIX
	)	CORPORATION (A) MODIFYING
	)	DEADLINES IN SCHEDULING ORDER
	)	FOR DAMAGES AND REMEDIES PHASE
	)	OF CASE AND (B) FOR EXTENSION
	)	OF TIME FOR THE CITY TO FILE
	)	ITS OPPOSITION TO TDX' FIRST
	)	MOTION TO COMPEL ANSWERS TO
Defendant.	)	INTERROGATORIES AND PRODUCTION
	)	OF DOCUMENTS AND FOR SANCTIONS

Defendant and counterclaimant Tanadgusix Corporation ("TDX"), by and through its attorneys of record, Turner & Mede, P.C. and Law Office of Douglas F. Strandberg, P.S., hereby moves for the entry of the attached modified scheduling order; and (b) an order granting the City an extension from May 30, 2006 until August 28, 2006 to file its Opposition to TDX' First Motion to Compel Answers to Interrogatories and Production of Documents and for Sanctions. Such motion has been discussed with the attorneys for plaintiff and counterdefendant City of Saint Paul ("City") and is unopposed by the City.

The modified scheduling order sought by this unopposed motion changes the deadlines by which (a) expert designations are to be served from May 30, 2006 to August 28, 2006, (b) expert reports are to be served from September 29, 2006 to December 28, 2006, (c) lay witness discovery completion from September 29, 2006 to December 28, 2006, (d) expert witness discovery completion from November 30, 2006 to February 28, 2007, (e) filing of discovery motions from December 29, 2006 to March 29, 2006, and (f) filing of summary judgment motions, *in limine* motions and motions for ruling on the law of the case from November 30, 2006 to February 28, 2006.

The reason for this unopposed motion is that the City and TDX are currently engaged in settlement negotiations. The negotiations involve complex land issues and require considerable coordination among the parties and their consultants. The parties

believe such negotiations will be materially aided by such extensions.

Over the last three months the parties have made considerable progress in their negotiations. After TDX provided the City with a proposed outline for a settlement and the City responded, it became apparent to the parties that the best way to resolve complex upland, tideland, and access issues on Saint Paul Island, especially the Harbor area, was to agree on a subdivision of land in the Harbor area and to locate all existing utilities.

TDX retained consulting engineers who, after numerous meetings with TDX management and attorneys, prepared a comprehensive set of maps which detail current land status and proposed subdivision and ownership and road dedication, which were provided to the City by TDX in late summer, 2005. TDX and the City have exchanged comprehensive settlement proposals based in part upon such maps; and the City's attorneys and TDX' attorneys have had lengthy and very productive settlement discussions recently.

On March 6, 2006, the City provided TDX with the City's "black-lined" counterproposal to TDX' comprehensive settlement proposal. TDX and its attorneys are in the process of reviewing and proposing modifications to such counterproposal. The parties anticipate that in the next month they will be meeting to discuss and attempt to resolve their remaining differences between the two proposals. By the end of August 2006 the parties should be in a

position to determine if a settlement can be achieved without further involvement of the Court.

Such unopposed motion does not affect any rights or obligations of the only other parties in this case, the Federal Defendants. As a result, it should be granted by the Court forthwith.

RESPECTFULLY SUBMITTED at Anchorage, Alaska, this 12th day of May, 2006.

TURNER & MEDE, P.C.
Co-counsel for Defendant and
Counterclaimant, Tanadgusix Corporation

s/ Terrance A. Turner
Turner & Mede, P.C.
1500 W. 33rd Avenue, Suite 200
Anchorage, AK 99503-3502
Phone: 907-276-3963
Fax: 907-277-3695
E-Mail: tturner@turnermede.com
Alaska Bar No. 7410113

LAW OFFICES OF DOUGLAS F. STRANDBERG
Co-counsel for Defendant, Tanadgusix
Corporation

Certificate of Service

This is to certify that on this 12th day of May, 2006, a copy of the foregoing was served Electronically on:

Department of Justice
Environmental & Natural Resources Division
Attn: Dean K. Dunsmore
801 "B" Street, Suite 504
Anchorage, AK 99501-3657

Law Office of Douglas F. Strandberg
Attn: Douglas F. Strandberg
562 Primrose Lane
Friday Harbor, WA 98250

Unopposed Motion by Defendant and Counterclaimant Tanadgusix Corporation
(a) Modifying Deadlines in Scheduling Order for Damages and Remedies Phase of Case and (b) for Extension of Time for the City to File its Opposition to TDX' First Motion to Compel Answers to Interrogatories and Production of Documents and for Sanctions
City of Saint Paul v. Donald Evans, et al., No. 3:97-cv-0181 HRH
Page No. 4

and by regular mail on:

Office of Ronald L. Baird
Attn: Ronald L. Baird
P. O. Box 100440
Anchorage, AK 99510-0440

Pepper Hamilton, LLP
Attn: Stephen M. Truitt
Charles H. Carpenter
Hamilton Square, Suite 500
600 Fourteenth Street NW
Washington, DC 20005-2004

/s Terrance A. Turner